

TO: Off-Road Vehicle Dealers
FROM: Office of the Indiana Secretary of State, Dealer Services Division
DATE: June 19, 2008
RE: Senate Enrolled Act No. 339

The Indiana Secretary of State (“SOS”) assumed control of the Dealer Services Division in 2007, and the Indiana General Assembly recently enacted Public Law 107-2008 (Senate Enrolled Act No. 333) (“SEA 339”), which makes several notable changes to the law in Indiana concerning the regulation of motor vehicle dealers.¹

The term “dealer” now includes a person who sells off-road vehicles.² Therefore, off-road vehicle dealers will be required to obtain a dealer license from the SOS under the new law. These changes take effect on July 1, 2008 and will affect anyone that sells 12 or more off-road vehicles per year.

The following explanation summarizes important changes found in SEA 339. However, this summary does not cover all provisions of SEA 339. You should consult private counsel with respect to how these changes may apply to your specific situation.

I. APPLICATION DEADLINES

IND. CODE § 9-23-2-8

1. Off –road vehicle dealers whose business name begins with M through Z, inclusive, will be required to apply for a dealer’s license beginning July 1, 2008.³
 - Business names beginning with letters M through O must register by July 31, 2008.
 - Businesses names P through R must register by August 31;
 - S through T by September 30; and
 - U through Z by October 31.
2. Business names beginning with letters A through L are not required to apply for a dealer’s license until 2009.
 - Business names beginning with letters A through B must register by February 28, 2009.
 - Businesses names C through D must register by March 31;
 - E through G by April 30;
 - H through I by May 31; and
 - J through L by June 30.

Note: A license issued under this chapter is valid for one (1) year.

¹ An electronic copy of SEA 339 is available at <http://www.in.gov/legislative/bills/2008/PDF/SE/SE0339.1.pdf>.

² See Ind. Code § 9-13-2-42(a). See also, Ind. Code § 14-8-2-185 (defining the term “Off-road vehicle”).

³ A sole proprietor shall register based upon the name of the sole proprietorship. See Ind. Code § 9-23-2-8.

II. OFFSITE SALES

IND. CODE § 9-23-2-7

- Section (7) requires licensed dealers to obtain an offsite sales license before conducting an offsite sale.
- Subsection (c) generally prohibits the issuance of an offsite sales license for a sale outside a radius of twenty (20) miles from the dealer's established place of business.
- However, this subsection has been amended to exclude off-road vehicle dealers from the (20) mile limit, therefore, off-road vehicle dealers may obtain an offsite sales license for a sale beyond twenty (20) miles from the dealer's established place of business.⁴

If you have additional questions regarding the forgoing statutory changes, you may contact the Office of the Indiana Secretary of State, Dealer Services Division, by telephone at (317) 591-5303. You should also consult with private counsel as the Dealer Services Division is not authorized to provide legal advice.

⁴ See Ind. Code § 9-23-2-7(c)(4).